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February 28, 2011

**VIA ECF**

Hon. Kiyo Matsumoto  
United States District Judge  
U.S. District Court for the Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: *Sandra Barkley v. United Homes, LLC, et al.*, CV-04-0875 (KAM)(RLM)  
*Mary Lodge v. United Homes, LLC, et al.*, CV-05-0187 (KAM)(RLM)  
*R. & S. Gibbons v. United Homes, LLC, et al.*, CV-05-5302 (KAM)(RLM)  
*Dewitt Mathis v. United Homes, LLC, et al.*, CV-05-4386 (KAM)(RLM)  
*Miles and Lisa McDale v. United Homes, LLC, et al.*, CV-05-5362 (KAM)(RLM)  
*Charlene Washington v. United Homes, LLC, et al.*, CV-05-5679 (KAM)(RLM)

Dear Judge Matsumoto:

This office, along with South Brooklyn Legal Services and Cowan Liebowitz & Latman, P.C., represents the plaintiffs in the above-referenced consolidated actions. We seek leave of Court in the matter of *Mary Lodge v. United Homes, LLC, et al.* to file the attached Third Amended Complaint which adds defendants Bayview Financial LP, Bayview Financial Management Corp. and U.S. Bank, N.A., as trustee for Bayview Asset-Backed Securities Trust Series 2007-30. These requests are necessitated by recent Bayview disclosures regarding ownership of the Lodge Note and Mortgage from 2006 to the present.

Defendant Yaron Hershco has consented to the amendment. We have not received responses to our request for consent from the United Homes defendants, Olympia Mortgage Corp. or from the Bayview defendants.

As noted, the current amendment is necessitated by recent disclosures. During the December 16, 2010 telephone conference with the Court, plaintiffs indicated that we would be seeking leave to amend the Complaint of *Mary Lodge* to ensure that the current owner of the Lodge Note and Mortgage and any other proper parties were named. Counsel for Bayview and Wachovia Bank, N.A. ("the Bayview defendants") consented to the substitution of "U.S. Bank and Trust" for Wachovia Bank.

In the context of this amendment, plaintiffs asked the Bayview defendants to provide documentation that U.S. Bank and Trust is, in fact, the current owner of the Lodge mortgage loan. As noted in our January 13, 2011 letter to Your Honor, Bayview did not provide the documents. Finally, with the assistance of a January 20, 2011 Order from Magistrate Judge Mann on directing the Bayview defendants to produce documents evidencing the chain of title of the Lodge Note and Mortgage from 2006 to the present, plaintiffs received the information on

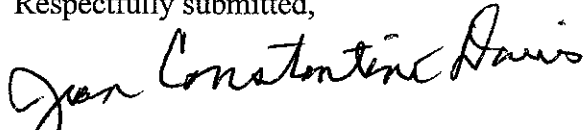
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January 28, 2011. These documents reveal that the Lodge mortgage loan has passed through several hands and has been a part of two different Bayview trusts since late 2006. The documents indicate that the Lodge Note and Mortgage are currently held by U.S. Bank, N.A. as Trustee for Bayview Asset-Backed Securities Trust Series 2007-30, the most recent Bayview trust, which closed in 2007.

The Second Amended Complaint filed with the Court on January 10, 2011 identifies "US Bank and Trust" as the owner of the Lodge mortgage. Plaintiffs seek leave to file the Third Amended Complaint to add the current owner of the Lodge Note and Mortgage as a defendant in the case. In addition, we seek to add other Bayview entities which, based on documents recently produced by Bayview, control or direct the ownership of the Lodge Mortgage. The two additional entities are Bayview Financial L.P. (BFLP) and Bayview Financial Management Corp., BFLP's general partner. BFLP is alleged to have owned 100% equity in long-time defendant, Bayview Loan Servicing, LLC.

We are available for a conference to discuss this matter should Your Honor so require.

Respectfully submitted,



Jean Constantine-Davis

Attachment